

Practitioner's Docket No. SP-1212.1 US**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Application No.: 10 /034687

Group No.: 1745

Filed: December 20, 2001

Examiner: Gregg Cantelmo

For: Electrochemical Cell Having Venting Current Collector and Seal Assembly

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT, REQUEST AND FEE DELETING INCORRECTLY
NAMED PERSON(S) WHO ARE NOT INVENTOR(S) OF INVENTION
NOW BEING CLAIMED—NONPROVISIONAL APPLICATION—
(37 C.F.R. § 1.48(b))**

NOTE: The correction of the inventorship can be made with respect to the inventors originally named or where the inventorship was corrected after filing under § 1.48(a) and, subsequent to that correction, prosecution of the application required additional correction under § 1.48(b). 62 Fed. Reg. 53,131, at 53,139 (Oct. 10, 1997).

NOTE: "If the correct inventors are named in a nonprovisional application and the prosecution of the application results in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the application, an amendment must be filed requesting the deletion of the name or names of the person or persons who are not inventors of the application being claimed." 37 C.F.R. § 1.48(b).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***

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- ☒ facsimile transmitted to the Patent and Trademark Office, (703) 872 - 9306

Signature

Shirley O'Donnell

(type or print name of person certifying)

Date: 10/14/04

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment, Request and Fee Deleting Incorrectly Named Person(s) Who Are Not Inventor(s) of Invention
Now Being Claimed (37 C.F.R. § 1.48(b)) [8-21]—page 1 of 2)

1. This amendment and request under 37 C.F.R. § 1.48(b) is to delete the name(s) of the following person(s) named as inventor(s) and who is (are) not the inventor(s) of the invention now being claimed:

James Xixian Wu

2. Claim(s) Now on File

The claim(s) in this application are as follows:

(check and complete all applicable items)

- ☒ originally filed claim(s) 2, 13-15, 27-31, 33, 43-44
- ☒ originally filed claim(s) 1, 9-12, 24, 26, 32, 39-42
- as amended on 9/30/03, 2/25/04, and herewith
- ☐ claim(s) _____ filed on _____
- ☐ claim(s) _____ filed on _____
- as amended on _____

3. Status of Inventorship After Amendment

(check the following, item if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed)

- ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee (37 C.F.R. § 1.17(i)–\$130.00)

The fee required by is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 130.00
- ☒ to Deposit Account No. 05-1325
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 43,200

Tel. No.: (440) 835-7343

Customer No.: 20875


SIGNATURE OF PRACTITIONER

Russell H. Toye, Jr.
(type or print name of practitioner)

Eveready Battery Company, Inc.
P.O. Address
25225 Detroit Road
Westlake, Ohio 44145

(Amendment, Request and Fee Deleting Incorrectly Named Person(s) Who Are Not Inventor(s) of Invention Now Being Claimed (37 C.F.R. § 1.48(b)) [9-21]—page 2 of 2)

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as amended on _____

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SP-1212.1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Applicant : Robert E. Ray, Jr. et al.
Serial No. : 10/034,687
Filed : December 20, 2001
For : Electrochemical Cell Having Venting Current Collector and Seal Assembly

Art Unit: 1745
Examiner: Gregg Cantelmo

OCT 14 2004

REPLY UNDER 37 CFR §1.111

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is in response to the Advisory Action, mailed September 29, 2004, in the above-identified application.

A request for a 3-month extension of time under 37 CFR §1.36(a) and the fee required under 37 CFR §1.17(a)(3) are being submitted herewith.

An amendment and request under 37 CFR §1.48(b), deleting a named person who is not an inventor of the invention now being claimed, and including the fee required under 37 CFR §1.17(i), is being submitted herewith.

Please amend the claims in the above-identified application as shown below under Claim Amendments. This section includes the current status of all claims in the application and the text of all pending claims. The currently amended claims are marked up to show the changes made relative to the immediate prior version, using strikethrough for deleted matter and underlining for added matter.